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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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VIENNA, VA 22182-3817

EXAMINER

MUHAMMED, ABDUKADER S

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/669,777	Applicant(s) YAMASAKI ET AL.	
	Examiner Abdukader Muhammed	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003 and 17 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-17 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on 17 April 2007 is acknowledged. New claims 7-17 have been added.
2. Applicants' amendment overcomes the objections to the drawings, claims and specification made in the office action mailed on 17 January 2007 (except the ones indicated below) .

In light of the explanation/argument given by the applicants in the amendment, the rejection of 35 USC § 102(a) with a prior art reference of Nicholson et al. (US 6,330,337 B1) has been withdrawn.

Specification

Page 31, line 4 "at step S" should be "at step S22" to be consistent. Note, the amendment did not address the right location.

Appropriate correction is required

Claim Objections

3. In claim 2, line 12 "a operation" should be "an operation" to be consistent.
- Appropriate correction is required.

Claim Rejections

4. The text of those sections of title 35 U.S. Code not included in this action can be found in the prior office action mailed on 17 January 2007.
5. Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Kobata et al. (US 6,845,308 B2).

The rejection of claims 1-6 in the previous Office Action is repeated herein.

Applicants' arguments filed on 17 April 2007 have been fully considered but they are not persuasive (Note: this section refers to the second part of rejection in the previous office action and also the second part of the argument, page 11, in the amendment).

Applicants argue, "Kobata is illustrating a problem known in the art that results in the problem being addressed in the present Application. Specifically, in an exemplary embodiment, the present invention inhibits changing the broadcast mode. There is no disclosure or teaching of this aspect of the claimed invention in Kobata".

The exemplary embodiment in the instant invention is inhibition of the fluctuation, which is "if the FM mode is set on the rear side while the sound based on the play-back signals of the AM broadcast from the speaker 104 are being outputted by setting the AM mode on the front side, for example, *the AM mode being set on the front side is switched to the FM mode* because the single tuner acts as the AM and FM tuners" as shown in page 4, lines 10-17 of the instant invention.

Answer: Kobata et al. disclose if the rear controller is in FM1 mode and if the front controller is changed from CD player to AM (its last memory), the front controller is inhibited from changing the rear controller to AM instead FM1 is set for both the front and the rear controllers. "This is despite the last memory AM being stored for the radio tuner by the front half. Consequently, in the event of the rear half listening to an FM1 broadcast, the mode cannot be forced to switch according to the last memory AM by the front half." (See the discussion in column 5, lines 20-53). The opposite process is also described in column 6, lines 1-15.

Kobata et al. also shows "the on-vehicle audio video control device according to the invention has the advantage that *the mode of the source currently selected by the front or rear*

controller cannot be changed by a source switching operation or a mode switching operation in accordance with the last memory of the rear or front controller” (see column 2, lines 50-55).

“Consequently, an object of the invention is to provide an on-vehicle audio video control device in which the currently used mode does not follow another mode stored in the last memory and cannot be changed upon an operation by the front or rear controller” (see column 2, lines 56-60).

Note also that, in the instant invention the fluctuation deciding unit and the selection inhibition unit are not integral parts by themselves, they are not indicated in any of the figures, rather the controlling unit does these processes. This characteristic is the same in Kobata et al.

6. Claims 9-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Kobata et al. (US 6,845,308 B2).

Regarding claims 9 and 13, as applied to claim 1 above and Kobata et al. further teach that the control unit controls the selecting unit to output the play-back signals in one of a single mode and a dual mode (the microcomputer 21 controls the selection either in dual mode for example CD and radio or single mode by controlling the First and second switching circuits 18 and 19; see figure 1 and abstract lines 3-5 and also the discussion in column 3, line 29 through column 4, line 53 for details).

Regarding claim 14, Kobata et al. teach a vehicular play-back device, comprising: at least one play-back source (cassette player, CD player, DVD player and radio tuner; see figure 1 and column 3, lines 29-35); a plurality of output units for outputting play-back signals from the at least one play-back source (rear and front speakers 3,4,5, and 6; headphones 7 and 8; see figures 1 and column 3, lines 19-24); a selecting unit for selecting a mode of the at least one play-back

source (first and second switching circuits 18 and 19; see figure 1 and column 3, lines 34-38); and a selection inhibiting unit for inhibiting the selection and change of the mode of the at least one play-back source (the microcomputer 21 controls the switching circuits to inhibit the change the selection and change of the mode of the play-back sources, for example Kobata et al. show “the on-vehicle audio video control device according to the invention has the advantage that the mode of the source currently selected by the front or rear controller cannot be changed by a source switching operation or a mode switching operation in accordance with the last memory of the rear or front controller” (see column 2, lines 50-55)).

Regarding claims 10 and 15, as applied to claims 1 and 14 above, respectively, and Kobata et al. further teach that the play-back device comprising a front operation unit and a rear operation unit (front controller 1 mounted on an instrument panel and a rear controller 2 is provided in the rear part of the cabin; see column 3, lines 15-19 and figure 1).

Regarding claims 11, 12, and 16, as applied to claims 10, 9, and 15 above, respectively, and Kobata et al. further teach that the selection inhibiting unit inhibits the selection and change to the at least one of the play-back sources relating to an operation from the rear operation unit (if the rear controller is in FM1 mode and if the front controller is changed from CD player to AM (its last memory), the front controller is inhibited from changing the rear controller to AM instead FM1 is set for both the front and the rear controllers; see column 5, lines 20-53 and also for details see the answer given above for the applicants’ argument).

Regarding claim 17, as applied to claim 14 above and Kobata et al. further teach that the mode comprises one of an AM broadcast station and an FM broadcast station (the radio tuner 9 includes AM and FM modes, see figure 1).

Allowable subject Matter

7. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding Claim 7, the prior arts in file, singly or in combination *fail to show* that the operation or the mode selection is skipped. In case of Kobata et al. instead of skipping the selection, the new selection (which is the fluctuation according to the instant invention) is inhibited and set to follow the mode that is in progress in the front/rear controller. But in the instant invention it skips the selected mode if the selected mode is accompanied by a band change and, according to the flowchart in figure 5, it goes back to asking a playback mode again.

Claim 8 is dependent on claim 7 that has patentable subject matter.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) Will be calculated from the mailing date of the advisory action. In no event, however,

Art Unit: 2627

will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdukader Muhammed whose telephone number is (571) 270-1226. The examiner can normally be reached on Monday-Thursday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. Customer Service can be reached at (571) 272-2600. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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18 June 2007

WAYNE YOUNG
SUPERVISORY PATENT EXAMINER